

1 THE HONORABLE JAMES L. ROBART
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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 UNITED STATES OF AMERICA,)
11 v. Plaintiff,) Case No. 2:12-cv-01282-JLR
12 CITY OF SEATTLE,)
13 Defendant.) **CITY OF SEATTLE'S RESPONSE TO**
14) **UNITED STATES' MOTION TO STAY**
15) **PENDING DEADLINES**

) **NOTE ON MOTION CALENDAR:**
16) **January 4, 2019**
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The City of Seattle hereby responds to the United States' request to extend all of the pending deadlines in this case and submits an alternative proposed order for the Court's consideration.

In light of the lapse in appropriations for the United States Department of Justice (DOJ), the City does not contest that certain DOJ attorneys are prohibited from working, even on a voluntary basis, except in very limited circumstances, including "emergencies involving the safety of human life or the protection of property." 31 U.S.C. § 1342. Accordingly, the Court should hold this case in abeyance until funding is restored.

**CITY OF SEATTLE'S RESPONSE TO UNITED STATES' MOTION
TO STAY PENDING DEADLINES - 1**
(12-CV-01282-JLR)

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1 In addition, the City recognizes that many near-term deadlines in this case must be extended,
2 including all deadlines that fall within the period of lapsed appropriations or fall within one week
3 of the date on which appropriations are restored.

4 The City does not agree, however, with DOJ's position that the Court should issue an order
5 extending *all* of the deadlines in this case before the parties and the Monitor have an opportunity to
6 confer. The Sustainment Plan approved by the Court in this case (Dkts. 444 and 444-1) contains
7 more than hundred remaining deadlines for audits, assessments, and other reports to be completed
8 between now and January of 2020. It is probable that most of these remaining deadlines can be met,
9 notwithstanding the lapse in federal appropriations, because the majority of the audits and
10 assessments during the Sustainment Phase are to be performed by SPD or other City entities.

11 Accordingly, the City requests that the Court issue an order extending the deadlines that
12 occur before or within a week of the date funding is restored (including the deadlines for responding
13 to the Court's Order to Show Cause) and directing that, once funding is restored, the parties consult
14 with each other and the Monitor and then submit a joint proposal to the Court addressing any
15 additional extensions that may be warranted. A proposed order consistent with this approach is
16 submitted as an attachment to this response.

1 DATED this 31st day of December, 2018.

2 For the CITY OF SEATTLE

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4 PETER S. HOLMES
Seattle City Attorney

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**CITY OF SEATTLE'S RESPONSE TO UNITED STATES' MOTION
TO STAY PENDING DEADLINES - 3**
(12-CV-01282-JLR)

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CERTIFICATE OF SERVICE

I hereby certify that on December 31, 2018, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

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DATED this 31st day of December, 2018, at Seattle, King County, Washington.

s/ Kerala T. Cowart
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